

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2015

***ROUGH DRAFT
JOURNAL***

TWELFTH DAY

FEBRUARY 9, 2015

OFFICE OF THE CHIEF CLERK

BT

All Mini and Rough Draft Journals are provided as an informational service only and are not intended to replace the permanent bound version of the House Journal which is the official certified record. The daily Mini Journals and Rough Draft Journals are subject to correction and approval, and should not be relied upon, quoted or cited as an official record.

*The **Mini Journal** is produced for each legislative day and shows all action which took place on the Chamber Floor, including all bills and resolutions introduced, referrals, readings, all motions and votes, and Governor's Messages and other Communications. The Mini Journal does not include verbatim floor remarks or announcements made.*

The Mini Journal is generally available the next legislative day following each day's session and may be obtained at the House Printshop.

*The **Rough Draft Journal** includes verbatim floor remarks, written remarks, announcements and introductions made on the Chamber Floor. Copies of the Rough Draft Journal may be obtained at the House Printshop as they become available.*

*The **Mini Journal** and **Rough Draft Journal** may also be obtained at the House of Representatives section of the legislative website. www.capitol.hawaii.gov*

*The **bound version of the House Journal** is the official certified record of the proceedings of the House of Representatives. Once certified, the official permanent record is published and bound after the close of the Regular or Special Session of the Legislature.*

TWELFTH DAY

Monday, February 9, 2015

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, convened at 12:09 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Pastor Jonathan Steeper of Kalihi Union Church, after which the Roll was called showing all Members present with the exception of Representatives Har, Ing and Matsumoto, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Eleventh Day was deferred.

KA HUA 'ŌLELO O KA LĀ HAWAIIAN WORD FOR THE DAY

Representative Lowen presented *Ka Hua 'Ōlelo O Ka Lā*, the Hawaiian Word for the Day, as follows:

"Thank you. Today's *ka hua 'ōlelo o ka lā*, Hawaiian word for the day, is *Laulima*. *Laulima*: cooperation, joint actions, a group of people working together, many hands. *Ho'o laulima*, to work together."

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Tokioka, on behalf of Representative Ito and himself, introduced students from Shenzhen International Foundation College in China, who were being hosted by Education Advancement Fund International: Xie Yunhui, Xie Yimin, Luo Jie, Zhang Ningning, Yang Boyu, Li Xiang, Liao Cuini, Mei Linsong, Gao Ziming, Luo Huijia, Zeng Qingran, Ma Bincheng, Guo Zijian, Kong Queer, Huang He, Jiang Yihang and Luo Dejun; their escort, Tang Dai; and the Director of Education Advancement Fund International, former Representative Karen Awana.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 25) recommending that H.B. No. 1448, as amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1448, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Water & Land, with Representatives Har and Matsumoto being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 26) recommending that H.B. No. 1452, as amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1452, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ZONING," passed Second Reading and was referred to the Committee on Water & Land, with Representatives Har and Matsumoto being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 27) recommending that H.B. No. 1257, as amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Water & Land, with Representatives Har and Matsumoto being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 28) recommending that H.B. No. 854, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 854, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CHARGES," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives Har and Matsumoto being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 29) recommending that H.B. No. 571, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 571, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, reservations, brief comment. Mr. Speaker, this is about privacy issues. For some of those who are going to do the conversion, condominium, I don't think they should have to give all of their tax return information and make it public. Even DoTax can't give out private individual company specific information, but yet this bill is forcing it and I think that's where the poison pill rests. So for those reasons, with reservations."

Representative McKelvey rose in support of the measure with reservations and asked that the remarks of Representative Ward be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 571, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM CONVERSIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Jordan, McKelvey, Tokioka and Ward voting aye with reservations, with Representative McDermott voting no, and with Representatives Har and Matsumoto being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 30) recommending that H.B. No. 246, as amended in HD 1, pass Second Reading and be referred to the Committee on Housing.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 246, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION,"

passed Second Reading and was referred to the Committee on Housing, with Representatives Har and Matsumoto being excused.

Representatives Morikawa and Hashem, for the Committee on Human Services and the Committee on Housing, presented a report (Stand. Com. Rep. No. 31) recommending that H.B. No. 1265, as amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1265, HD 1 pass Second Reading and be referred to the Committee on Water & Land, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1265, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE HOUSING," passed Second Reading and was referred to the Committee on Water & Land, with Representative Jordan voting aye with reservations, and with Representatives Har and Matsumoto being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 32) recommending that H.B. No. 767, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 767, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har and Matsumoto being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 33) recommending that H.B. No. 33, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 33, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har and Matsumoto being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 34) recommending that H.B. No. 277, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFRASTRUCTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and Matsumoto being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 35) recommending that H.B. No. 1069, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and Matsumoto being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 36)

recommending that H.B. No. 771, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 771, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Chair, with reservations and a brief comment. As one of the co-chairs of the Small Business Caucus, I don't like to vote against anything that's for the small business. Except the procedure in this one I am drawing an exception with, and that is because we have not, as a government, been the best at running a business, particularly running a bank, particularly running a loan program, particularly borrowing money and then actually getting it back.

"And this, instead of following the example that works in the US Small Business Administration i.e. loan guarantees, this is where we've got to hire a \$100,000 loan officer, put him in DBEDT, and crank out maybe a handful of loans on a small, I think it's \$1 or \$2 million that they have as the amount of money.

"So, Mr. Speaker, for those reasons, we don't have a track record in doing this, and you don't hire somebody who doesn't have experience. These are the reasons why I think this is a very high risk, low gain proposition, therefore with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 771, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting aye with reservations, and with Representatives Har and Matsumoto being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 37) recommending that H.B. No. 293, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har and Matsumoto being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 38) recommending that H.B. No. 1070, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1070, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and Matsumoto being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 39) recommending that H.B. No. 774, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 774, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, strong support on the other side of what I just spoke of. Mr. Speaker, may I make a brief comment?"

"The Small Business Regulatory Review Board has been basically neglected for a number of years. This kind of gives it a bit of a, you're not a second class citizen, you are important.

"Mr. Speaker, why I am standing to speak on this is because in the last hour, we had in our committee the issue of having a small business set aside. And I relate that to where for years it's been on the books, 20 percent that would be set aside for small businesses. But because of the impetus or the impotence, if you will, of this Small Business Regulatory Review Board to push that, we haven't been able to do it. And I think because of that, we need this to get them up to speed to put small business on par with any of the other agencies that are there to promote and develop jobs.

"So this is an important bill, and for those reasons I'm in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 774, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and Matsumoto being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 40) recommending that H.B. No. 266 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 266, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and Matsumoto being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 41) recommending that H.B. No. 1028 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1028, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har and Matsumoto being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 42) recommending that H.B. No. 759, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 759, HD 1 pass Second Reading and be referred to the Committee on Education, seconded by Representative Evans.

Representative LoPresti rose to speak in support of the measure, stating:

"Standing in strong support. I urge my colleagues to support HB 759. The climate in Ewa Beach in the 41st District, as you may know, is extremely hot and almost always sunny. We have a saying, if it's raining and cloudy in Ewa, it's raining and cloudy everywhere.

"It's very detrimental to the teaching and learning when temperature in classrooms exceeds 90, sometimes 95 degrees. It's been strongly expressed by many principals, teachers, parents and students in my district that we would like to make air conditioning a priority. This bill helps prioritize comprehensive retrofitting, classroom cooling demonstration projects, and help gives general obligation bonds to fund this. So I urge my colleagues to stand in strong support as well. Thank you."

Representative San Buenaventura rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in support of this bill. I'd like to point out that in Puna, we have air quality problems now because of the fires, and schools are being used for emergency evacuation purposes. So this will have the ability of people to evacuate to have an air quality evacuation zone. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 759, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COOLING SYSTEMS IN PUBLIC SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Education, with Representatives Har and Matsumoto being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 43) recommending that H.B. No. 484, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 484, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har and Matsumoto being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 44) recommending that H.B. No. 713, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 713, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Tupola rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I just wanted to commend the Chair for adding the amendments so that DLIR is deputizing the volunteers instead of the Contractor's Licensing Board. I'm happy that that happened. Also that it's put into the correct portion of the HRS. So I stand in strong support. Thank you."

Representative McDermott rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Reservations please, and a brief comment. Mr. Speaker, because of the downturn, obviously we are short of personnel and there's not obviously enough inspectors. But if we have them for the contract labor and other disputes, why not for invasive species? The red ants, rhino beetles, rats in different restaurants, etc. Not that these become vigilante committees, but I think if we're going to have people do government business, they should be paid government money. This kind of steps outside of that, which is kind of cool, but if we're going to do it, let's do it across the board, particularly those that are very, very important in addition to just finding unlicensed contractors. Thank you, Mr. Speaker."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 713, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Consumer Protection &

Commerce, with Representatives Jordan, McDermott, Oshiro and Ward voting aye with reservations, and with Representatives Har and Matsumoto being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 45) recommending that H.B. No. 561, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 561, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative LoPresti rose to speak in support of the measure, stating:

"Thank you, Chair. Standing in strong support. In this age of technology, there are growing concerns about employers requiring access to social media accounts of employees and potential employees. This bill will prohibit employers from requiring or requesting employees and potential employees to grant access to personal accounts, usernames and passwords.

"By prohibiting this, such employment practices, we're protecting employee's privacy and free speech. That's a reasonable legislation, it creates no burden on businesses or employers, just establishes a clear line that protects people. So I urge my colleagues to support. Thank you."

Representative Tupola rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. I think that this is a good bill with good intent. I'm also concerned that there is not just the requesting or requiring, but also just the acquisition of information via technology, just from logging into computers. That might be more geared towards what the intent of the bill seems to do, which is prevent employers from accessing it, which also happens even when you don't request it, it just automatically logs into computers. So something to consider. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 561, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL MEDIA," passed Second Reading and was referred to the Committee on Judiciary, with Representative Tupola voting aye with reservations, and with Representatives Har and Matsumoto being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 46) recommending that H.B. No. 848 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 848, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har and Matsumoto being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 47) recommending that H.B. No. 447, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 447, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 447, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with

Representative McDermott voting no, and with Representatives Har and Matsumoto being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 48) recommending that H.B. No. 705, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 705, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and Matsumoto being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 49) recommending that H.B. No. 25, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 25, HD 1 pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative McDermott rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 25, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives McDermott and McKelvey voting aye with reservations, and with Representatives Har and Matsumoto being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 50) recommending that H.B. No. 10, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 10, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Health, with Representatives Har and Matsumoto being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 51) recommending that H.B. No. 525, as amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 525, HD 1 pass Second Reading and be referred to the Committee on Water & Land, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McDermott rose to speak in opposition to the measure, stating:

"A no vote on 51, Mr. Speaker. I think this is a law that's going to be unenforceable. If you look at Sand Island State Park, you have to drive probably a mile to get in there and to think that a family that is picnicking there, if the husband or wife wants to have a cigarette, they're going to get up and drive outside the park premises, it's foolish. They won't. They won't follow the law, and I don't think anyone is going to call the police on them

to enforce the law, and I think the police have much more important things to do. So for that reason, I vote no."

Representative Tupola rose to speak in support of the measure with reservations, stating:

"Note my reservations, please, Mr. Speaker. I did speak with the Department of Health, and there were laws enforced on the outer islands at the county level to ban smoking, and what I asked them for was their statistics. If they could show me since the law's been passed, how has it changed, how has it been enforced so that we can make a better decision on this law, which will affect all state parks though. Thank you."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative LoPresti rose to speak in support of the measure, stating:

"Thank you, Chair. I feel compelled to speak. Two weekends ago, I participated in a beach cleanup at Oneula Beach Park with my 5-year-old daughter. In one hour's time, my 5-year-old picked over 150 cigarette butts. Everywhere we go now, she's picking up garbage, which is both a blessing and a curse.

"But I encourage people to support this, because one of the number one pollution items is cigarette butts, and this is one of the only ways to tackle this. In support. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. Mr. Speaker, as I read the bill here, you cannot smoke, according to the definition here, inhaling or exhaling, burning or carrying a lit cigarette, cigar or pipe. What if you have medical marijuana or marijuana? It's vague and it leaves a bit of a *puka*.

"I know that it's been asked before, is smoking marijuana 'smoking'? And the answer I've been getting is that, yes it is, and wherever it's prohibited, except this one when it's spelled out in addition to those things and it's not mentioned, it may say that this may become a marijuana park rather than a no-smoking park. Thank you."

Representative Ing rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. In addition to the tens of thousands of cigarette butts that we see in every beach cleanup, I do one at least once a year, there's at least 19 or so cases of children picking up cigarette butts, ingesting them, and having to be rushed to a hospital, poisoned, to get it removed from their system.

"Now, let's not assume that people are lawbreakers. If there's a law on the books, they're probably going to respect it. Actually if people didn't, we wouldn't have enough police to maintain any order in society. Right now, in this room, there's a ban against smoking. And there doesn't have to be DOCARE walking around the Capitol to see if we're all smoking in our offices. We just don't do it, it's self-enforcing, we're law-abiding citizens.

"This is the type of, two years ago when Honolulu City Council passed a similar measure, it worked. There are a handful of warnings, and I think less than a hundred actual citations. Realistically, if somebody is smoking way on the other side of the beach, no one's going to walk up to them, or in the park, and say, hey, brah, put that out. But if somebody comes up and sits next to you and lights one up and you have your kids next to you, you can probably tell them, hey, you know that's against the law. And chances are, this is Hawaii, they're not going to start a fight, they're going to put it out. And I think that's really the purpose of this law.

"But it should be noted that we should make sure we continue to support DOCARE and give them the type of ability to enforce this or any other law across the parks and beaches in our State. Thank you."

Representative McDermott rose to respond, stating:

"Second time, Mr. Speaker, just very briefly. Still in opposition. I appreciate the previous comments that were made. Regarding starting a fight, it depends how big you are and depends how big they are, first of all.

"Second thing, we're talking about county parks already have this. My good friend, my colleague from Ewa Beach, mentioned he was at the beach cleanup, thousands of cigarette butts. That's a county park. They already have the ban in place. So, people aren't going to follow the law, and I wouldn't accost somebody, I'd just get up and move if it was a problem. If the second hand smoke on the ocean was so severe that I couldn't breathe, I'd probably get up and move, I wouldn't pick a fight with them. So, I'm still against this, Mr. Speaker. Thank you."

Representative Morikawa rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just reservations and I'd like just a short comment. My only concern is that it says, 'within the state park system'. I think that's really broad. It takes us up into the mountains, and maybe that's not where the intent was supposed to be. So that's my only reservation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Second Reading and was referred to the Committee on Water & Land, with Representatives Jordan, Morikawa, Oshiro, Tupola and Ward voting aye with reservations, with Representative McDermott voting no, and with Representatives Har and Matsumoto being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 52) recommending that H.B. No. 586, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 586, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm going to oppose this, because electronic cigarettes properly used are smoking cessation devices. That's what they're intended to do. So the way I read this is that means that someone who is trying to quit smoking, wants to go in their car in the parking lot to puff on their electronic cigarette, can't puff on their electronic cigarette even though they're in their car in the parking lot. They have to get in their car, drive off the property, take a puff and come back.

"Onerous, again, people would walk out to their car, smoke in their car, their electronic cigarette. Or they'll go in the restroom or whatever. This is just a law that will not be enforced and won't be followed. Thank you."

Representative Oshiro rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'll be voting no, but let me explain to you why I'll be voting no on this bill. I have concerns that this current draft may be in contravention with the current collective bargaining contracts that are in place right now under Chapter 89 of Hawaii Revised Statutes.

"I understand the policy behind this bill, it makes sense, but I think we need to weigh that against the existing law and those contracts that are in place and what effect this might have upon it. In particular, I have a little concern that it would be effective July 1st of this year. The other measures before us were drafted so that the effective date would be down the road to July 1st, 2050. This is 2015, so I have concerns that this again might be in contravention of existing collective bargaining contracts.

"Several weeks ago, I did meet with members of the Hawaii Government Employee's Association and we did discuss similar measures like this that might impose changes to current contracts. And I did tell them that I would be mindful of that and respectful of that, and make sure that I could keep that in my thoughts as we moved forward. So thank you very much, Mr. Speaker."

Representative San Buenaventura rose to speak in support of the measure with reservations, stating:

"I stand with reservations. There is no proof that vaping causes second hand smoke problems, and I am in favor of doing what we can to prevent smoking and to prevent addiction to tobacco. However, I am also mindful that there are already people who are addicted, and I see it also as a cessation device. Thank you."

Representative Tupola rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I do stand in support but I did want to make some comments. Thank you to my colleagues who all commented. When they did come to present to us in the committee, it was a concern that they should just enforce it as a policy as opposed to a law. And there could be a little bit too much government involvement in this, but they felt like with the policy in place they still weren't able to enforce it. I guess my question would be, even if it was a law, how would they still be able to enforce it?"

"It is the Hawaii Health Systems and there is multiple properties, I want to say more than 20, and so the question that one of my colleagues posed was how far would people have to go in order to be able to smoke, or how far off the property would they have to go."

"So those are my comments. I think that it may or may not need to be a law. Maybe we could continue it as a policy and see how we could better support them. I do see the need to support health around health properties, and so I see their concern, but maybe it's not necessary that there be a law for it. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. Mr. Speaker, this bill allows the smoking of cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, my favorite Indonesian version, and other preparations of tobaccos, which to me when it says all this with such specificity, it still says that smoking marijuana is legal. Thank you."

Representative LoPresti rose to speak in support of the measure, stating:

"Standing in support. I think one of the intents of this bill is to help create a society that limits exposure to second hand smoke, that limits places where people who are trying to fight an addiction are able to smoke, and that helps them cut back and helps create a more healthy society."

"I believe I'm the only Member in this Body whose family is in the tobacco business, or was. My grandfather was a tobacco farmer, I briefly owned tobacco land. And I stand strong support of limiting tobacco use because of its negative effects on health, and I think it is incumbent upon us to help create a society where it's easier to get over addictions that are dangerous and deadly like this. Thank you."

Representative Creagan rose to speak in support of the measure with reservations, stating:

"I'm voting with reservations on this because of E-cigarettes. The FDA hasn't come out with an opinion on these, but there are a number of studies have shown they are very effective as smoking cessation devices. So I think it's a little premature to do this as far as E-cigarettes. But on the other hand, since we don't know for sure, it does seem reasonable in health facilities, within the facility. But as the other Representative mentioned, if you're out in your car with an E-cigarette, it's very unlikely you could contaminate anybody or affect anybody. So, thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 586, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Creagan, San Buenaventura and Ward voting aye with reservations, with Representatives McDermott and Oshiro voting no, and with Representatives Har and Matsumoto being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 53) recommending that H.B. No. 354, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 354, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har and Matsumoto being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 54) recommending that H.B. No. 696, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 696, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives Har and Matsumoto being excused.

Representative Takayama, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 55) recommending that H.B. No. 737, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 737, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Jordan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and just a few words. I appreciate the intent of this measure. I just don't think we should be using the Hawaii Hurricane Relief Fund to try and achieve this for the residents of Puna. I know how important it is for our residents of Puna and having them recover from natural disasters or storms, but I don't think this is the right vehicle for it, and that's why I'm standing with reservations at this point in time. Because the Hurricane Relief Fund was set up for a specific program, and I don't think we should deviate from that program at this moment in time. Thank you, Mr. Speaker."

Representative San Buenaventura rose to speak in support of the measure, stating:

"I stand in strong support of the bill. The Hurricane Fund has been dormant. It is highly unlikely that it would even be used for lava relief, but it should be there in the event that the insurer's reserves are insufficient to cover the needs of Puna. Thank you."

Representative Cachola rose to speak in support of the measure with reservations, stating:

"With reservations, Mr. Speaker. I was the one to introduce the savings on the Hawaii Hurricane Relief Fund way back in 1994. At that time, the insurance companies ran away, and so we had to come up with the Hawaii Hurricane Relief Fund to insure all the houses here in the State of Hawaii. And what we did was save a lot of money."

"Based on my research, most of the hurricanes occur 20 to 25 years apart. But the freak one was 10 years, and that was Hurricane Iwa and Hurricane Iniki, which is from 1982 to 1994. And those moneys that were collected, is the possibility that if a hurricane occurs again and then all the insurance companies will run away, we might end up using the seed money to be able to set up the Hurricane Relief Fund right away. Because to use the Hurricane Relief Fund and deplete it, we need those monies to be able to more or less come up with a way to insure those homes.

"Otherwise the impact of that is, without any insurance to protect the homeowners, it also has impact in the sale of real estate property. It also has an impact on the way banks will loan out to homeowners. Because to be able to sell those loans to the secondary market, they've got to make sure that the buyers or investors in buying those loans while it's packaged has got to be protected, to make sure that it is more or less attractive in the purchase of those package loans.

"So, be careful of what we're trying to do, because now we are about 22, 23 years now since the last hurricane. We are in the danger point. So, if the hurricane, most of the hurricanes for 100 years based on my research shows that hurricanes are mostly 20 to 25 years apart, we are there. So I hope that God will protect us again, because if we use the money and we haven't put back all the money yet, then we are ready. Thank you."

Representative McDermott rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative San Buenaventura rose to respond, stating:

"Puna has a population of 25,000 people. Fastest growing district until lava has come on. The insurance community has chosen to depart from Puna. It has 25,000 people, that's one city that the Insurance Council is choosing to ignore. So with due respect to prior Representatives, the problem we have in Puna is that the insurance companies are running away, which is the very same reason that the Hurricane Fund was supposed to prevent.

"Yes, they're running away only from our district, but the problem is they're running away to all of everybody else's districts, and we're basically abandoning 25,000 people. And as such, I'm in strong support of the Hurricane Fund. It is unlikely it will be tapped because the homes in Puna are very affordable and the lava flow has a distinct path that will probably not affect many, if any, homes, but it needs to be there so that the insurance companies do not abandon us. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. Mr. Speaker, I think everybody's heart goes out to the people of Puna. No one likes to be covered with lava, no one likes to be burned alive, no one likes to have your house and your insurance taken away from you.

"However, the Hurricane Relief Fund is for the hurricane. And, Mr. Speaker, that has only been recently made whole or on its way to being made whole, because we raided it. And perhaps the new Member from Puna didn't realize there was such a hard feeling in all of our districts, 1.5 million, not 25,000, 1.5 million people were clamoring at this organization, saying, why did you take away my Hurricane Relief?

"My point is we raided it, we're making it whole, it should not have a puncture, even though the people of Puna are having a difficult time. There's got to be another way. The Governor can say, let's have an emergency appropriation for the disaster area because of lava. But to take the Hurricane Relief Fund away from the Hurricane Relief Fund, who knows what next, could be the coffee berry borer, or some other very worthy cause.

"But as they said, the people of Hawaii in all of our districts, almost 1.5 million, were clamoring to make us, this Body, make whole, and we've made it whole, and now if we put a puncture in it, it could lead to further puncturing by other great causes. For those reasons, with reservations."

Representative Tupola rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I also stand in reservations. I thank my colleagues for their comments and I too feel for the people in Puna. I do also stand in support of maybe writing a letter to ask the Governor to step in and talk about a solution that can work for everyone without touching the hurricane emergency fund. And I believe that all of us would support an effort to help the people of Puna in a way that they would get relief for insurance or whatever it may be. But this is a special case and I think that it should be looked at specially instead of touching a fund and making a statute. Thank you."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support. I'd like the words of the Representative from Puna to be entered as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Cachola rose to respond, stating:

"Mr. Speaker, second time, still with reservations. I sympathize with the people of Puna and also to my colleague, the Representative from Puna. There is another fund that they should at least go after, and that's what they call the Hawaii Disaster Fund. The Hawaii Disaster Fund covers earthquakes, and I believe volcano eruptions, that more or less are causing problem in Puna, is considered to be a disaster within the definition. So that point, if they go after those funds, I think they will be able to get relief. And I agree that the Hurricane Relief Fund is only for hurricanes, and that's the reason for that.

"And so, though I more or less sympathize with the people of Puna, I just have to make sure that, it was raided before, then to be made whole, but if they're going to get in the Hawaii Disaster Fund, then we can go all out for that. If the title of the bill is more or less capable of making those changes, let's do it to help them out. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I was not going to get up and speak on this measure, but I have to because first of all, this is one of many bills addressing this issue, which is the fundamental policy issue, people in Puna being able to get insurance even though there is no increased risk to them because as it was said earlier, the lava follows a specific path.

"But first of all, it's not a raid. It's the Insurance Commissioner could look at the potentially of using it if there are extraordinary losses to the HPIA insurers, which as was stated earlier by the Representative from the area, is highly unlikely, if at all. In fact, this measure may not be the exact one that moves out all the way.

"I did author a bill to put the interest back in the Hurricane Relief Fund automatically, so I understand it keeping this reserve inactive corpus whole, but it's for the very same reason that we should keep it whole for bond rating and other things, financial ratings. Not because, as it has been stated, this is an active insurance policy that people actually have money in. It was an insurer of last resort. When Zephyr and others exited the market after Iniki. When market insurers came back into the market, the program itself was stood down. But the money has stood as a reserve, as secondary rainy day fund, if you will. But the policy intent was to provide the Insurance Commissioner with the ability and discretionary to look at that as a way to offset extraordinary losses.

"But again, this is a work in progress, colleagues. We are looking merely at ensuring that insurance can be made available to the people in this district at fair rates without chilling or otherwise harming the insurance market for all of our constituents everywhere, even in Puna."

Representative Evans rose in support of the measure and asked that the remarks of Representative McKelvey be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 737, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Jordan, McDermott, Tupola and Ward voting aye with reservations, and with Representatives Har and Matsumoto being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 56) recommending that H.B. No. 379, as amended in HD 1, pass Second Reading and be referred to the Committee on Tourism.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 379, HD 1 pass Second Reading and be referred to the Committee on Tourism, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm going to rise in opposition on this measure. I'd like to cast a no vote. And while it's a well-intended measure and I certainly sympathize with the people in North Kona, I find the funding mechanism, the TAT, the nexus between that and this hospital is tangential at best and nonexistent at worst, and this is our number one industry and we should not be taking these monies away from it. Thank you."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 379, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCING FOR A NEW HOSPITAL IN NORTH KONA," passed Second Reading and was referred to the Committee on Tourism, with Representative Jordan voting aye with reservations, with Representative McDermott voting no, and with Representatives Har and Matsumoto being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 57) recommending that H.B. No. 179, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 179, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMANENT ABSENTEE BALLOTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Har and Matsumoto being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolutions (H.C.R. Nos. 33 and 34) were referred to Printing and further action was deferred:

H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS AND OTHER STATE AGENCIES TO ASSIST THE LEGISLATURE BY GATHERING INFORMATION ON TRANSITIONAL PLANS FOR THE CREATION OF A SOVEREIGN NATIVE HAWAIIAN GOVERNING ENTITY," was offered by Representative Ito.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIMANALO, KOOLAUPOKO, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING SEAWALL AND STEPS," was offered by Representative Lee.

ANNOUNCEMENTS

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

<u>H.B.</u> <u>No.</u>	<u>Re-referred to:</u>
1194	Committee on Tourism, then to the Committee on Judiciary

ADJOURNMENT

At 12:56 o'clock p.m., on motion by Representative Evans, seconded by Representative Tupola and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 10, 2015. (Representatives Choy, Har, Ito and Matsumoto were excused.)